

LANCE R. LEFLEUR
DIRECTOR



KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

May 18, 2017

CERTIFIED MAIL # 91 7108 2133 3936 7153 1267
RETURN RECEIPT REQUESTED

ALEX SELLERS
CEO – INVICTUS ENERGY, INC
3075 JOHNQUIL DRIVE UNIT A
SMYRNA, GEORGIA 30080

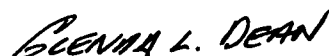
RE: **Emergency Administrative Order No. 17- 091-EWP**
Invictus Energy, Inc.
NPDES Permit No. AL0081272
Fort Mitchell, AL
Russell County (113)

Dear Mr. Sellers:

Please find the enclosed ADEM Emergency Administrative Order which requires you to take certain actions in regard to the alleged violations of the Alabama Water Pollution Control Act. This Emergency Administrative Order has been issued without the consent of Invictus Energy, Inc. and is effective immediately.

If you have questions regarding this matter, please contact Brian Marshall at (334) 271-7895.

Sincerely,


Glenda L. Dean, Chief
Water Division

GLD/bcm

Enclosure: Administrative Order No. 17- 091-EWP

cc: Tom Johnston/ADEM, Office of General Counsel
Schuyler Espy/ADEM, Office of General Counsel
Daphne Y. Lutz/ADEM, Industrial/Municipal Branch
Scott Ramsey/ADEM, Industrial Section
Brian Marshall/ADEM, Industrial Section
Sonja S. Massey/ADEM, Groundwater Branch
Gina Curvin/ADEM, Field Operations Division
Stephen Dixon/ADEM, Field Operations Division
Phil Skaggs/ADEM, Field Operations Division

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

**ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:)

Invictus Energy, Inc.)

265 Terminal Road)

Fort Mitchell, Russell County, AL)

EMERGENCY

ADMINISTRATIVE ORDER

No. 17-091-EWP

Permit No. AL0081272)

FINDINGS

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17 (2006 Rplc. Vol.), the Alabama Water Pollution Control Act (hereinafter "AWPCA"), Ala. Code §§ 22-22-1 to 22-22-14 (2006 Rplc. Vol.), and the regulations promulgated pursuant thereto (hereinafter "ADEM Admin. Code), the Alabama Department of Environmental Management (hereinafter "the Department") makes the following FINDINGS:

1. Invictus Energy, Inc. (hereinafter "the Permittee") operates a centralized waste treatment facility located on 265 Terminal Road, in Fort Mitchell, Russell County, Alabama (hereinafter "Facility").
2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 through 22-22A-17, as amended.
3. Pursuant to § 22-22A-4(n) Ala. Code (2006 Rplc. Vol.), the Department is the state agency responsible for the promulgation and enforcement of water pollution control regulations in accordance with the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 to 1388. In addition, the Department is authorized to administer and enforce the provisions of the AWPCA.
4. In accordance with ADEM Admin. Code chap. 335-6-6 and the AWPCA, the Department issued National Pollutant Discharge Elimination System (hereinafter "NPDES") Permit No. AL0081272 (hereinafter "the Permit") to the Permittee on June 24, 2015, effective July 1, 2015. The Permit establishes limitations on the discharge of stormwater from such point source, designated therein as outfall number DSN001, into the Chattahoochee River, a water of the state. The Permit requires that the Permittee monitor its discharges and submit periodic Discharge Monitoring Reports (hereinafter "DMRs") to the Department describing the results of the monitoring. In addition, the Permit requires that the Permittee properly operate and maintain all facilities and systems of treatment and control which are installed or used by the Permittee to achieve compliance with the terms and conditions of the Permit.

5. Ala. Code § 22-22-9(i)(3) (2006 Rplc. Vol.) and ADEM Admin. Code r. 335-6-6-.03 require that every person apply for and obtain a permit prior to discharging any new or increased pollution into any water of the state.

6. Pursuant to Permit Condition I.2.a., "The permittee shall report to the Director, within 24-hours of becoming aware of any noncompliance which may endanger health or the environment."

7. Pursuant to Permit Condition II.A.2.b., "The permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 C.F.R. Section 112 if required thereby."

8. Pursuant to Permit Condition II.A.3., "The Permittee shall provide spill prevention, control, and/or management sufficient to prevent any spills of pollutants entering a water of the state or a publicly owned treatment works. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided."

9. Pursuant to Permit Condition IV.A.1., "The permittee shall develop and implement a Best Management Practices (BMP) Plan which prevents, or minimizes the potential for the release of pollutants from ancillary activities, including material storage areas, plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations, and sludge and waste disposal areas, to the waters of the State through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw materials."

10. On May 11, 2017, Departmental personnel performed an inspection of the Permittee's Facility (See Attachment 1). Departmental personnel observed and noted the following:

- a. tanks had inadequate secondary containment
- b. oil was standing in pools and soaked into the ground around the tanks, and in areas down gradient from the tanks
- c. a large retention basin had been filled with fresh dirt, and there was a pool of waste oil sitting on the surface of the filled area
- d. the storm water management pond was covered with a blue tarp, with pooled oil on top of the tarp
- e. the Permittee did not have a current SPCC Plan.

11. The Permittee violated Permit Conditions II.A.2.b, II.A.3., and IV.A.1 by failing to maintain a current SPCC Plan, by failing to properly implement spill prevention, control, and/or management, by failing to maintain adequate secondary containment and by failing to implement Best Management Practices to prevent or minimize the release of pollutants.

12. The Permittee failed to notify the Department of the release in violation of Permit Condition I.2.a.

13. The unpermitted discharge of pollutants to a water of the state (groundwater and/or surface water) is a violation of Ala. Code § 22-22-9(i)(3) (2006 Rplc. Vol.) and ADEM Admin Code r. 335-6-6-.03.

14. Pursuant to Ala. Code § 22-22-9(i), it is the duty of the Department to issue orders prohibiting or abating discharges of pollutants or other wastes directly or indirectly, into waters of the state.

ORDER

Based on the foregoing *FINDINGS* and pursuant to Ala. Code §§ 22-22A-5(1), 22-22A-5(10), 22-22A-5(12), 22-22A-5(18), and 22-22-9(i) and (k) (2006 Rplc. Vol.), it is hereby *ORDERED*:

A. That, **immediately** upon receipt of this Order, the Permittee shall take such steps as are necessary to cease and desist the violations cited herein. As such, the Permittee shall **immediately** cease receipt of fuels and raw materials, including, but not limited to, feedstock oil and wastewater until such time the Department approves the resumption of such activities in writing. In addition, the Permittee shall **immediately** and properly remediate all areas affected by spilled material and take all appropriate actions to ensure that there are no unpermitted discharges to a water of the state.

B. That, within **five days** from the issuance of this Administrative Order, the Permittee shall submit to the Department a report documenting all remediation and abatement activities conducted as required by Paragraph A., above, including steps taken to prevent the recurrence of unpermitted discharges from the Facility. This report shall also provide details regarding the conditions noted during the Department's inspection, including, but not limited to: how the spill(s) occurred, dates and quantities released, verification of the type of oil or other materials released, and the original source(s) of those oils or other materials.

C. That, if required by the Department upon its review of the report required by Paragraph B., above, the Permittee shall undertake additional remediation and/or abatement activities to address the violations noted herein.

D. That all remediation and abatement activities conducted under this Administrative Order shall be accomplished in compliance with all Departmental rules and regulations.

E. That, within thirty days from the issuance of this Administrative Order, the Permittee shall submit to the Department an updated SPCC Plan.

F. That, should any provision of this Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or State law and, therefore, unenforceable, the remaining provisions hereof shall remain in full force and effect.

G. That, except as otherwise set forth herein, this Order is not and shall not be interpreted to be a permit or modification of a permit under federal, State or local law, and shall not be construed to waive or relieve the Permittee of the obligation to comply in the future with all applicable law.

H. That the issuance of this Administrative Order does not preclude the Department from seeking civil penalties, criminal fines, or other appropriate sanctions or relief against the Permittee for the violations cited herein.

I. That failure to comply with the provisions of this Administrative Order shall constitute cause for commencement of legal action by the Department against the Permittee for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this 18th day of May, 2017.

Marilyn Elliott

Lance R. LeFleur, Director
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110-2059
(334) 271-7700

ATTACHMENT 1

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

May 17, 2017

Alex Sellers, CEO
Invictus Energy, Inc.
365 River Valley Road
Atlanta, GA 30328

RE: Facility Inspection
Russell County Facility
NPDES Permit #IU305700001
Inspected 05/11/2017

Dear Alex Sellers, CEO:

Enclosed is a copy of an inspection report for the above referenced facility. The information collected during this inspection is currently under review for a compliance determination and any follow-up as appropriate.

Should you have any questions regarding permitting, compliance, enforcement, or any follow-up action you should take to address any deficiencies noted, please contact your ADEM permit staff contact or the Water Division in Montgomery at H2Omail@adem.state.al.us or by phone at (334) 271-7810.

If you have questions regarding the inspection, please contact me by email or by phone (see below).

Sincerely,

Stephen Dixon
Field Operations Division
(334) 260-2706
stephen.dixon@adem.alabama.gov

Enclosure: Inspection Report

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)


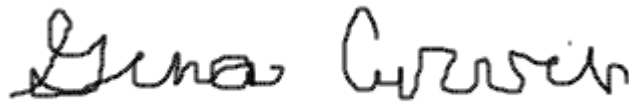
Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)

Russell County Facility : 46274.1

NPDES Common Inspection Form

Inspection Detail	
NMS Inspection #:	57015
Inspection Type:	State Indirect Discharge, SID CEI (Compliance Evaluation Inspection)
Part of EPA commitment?	Yes
Inspection was announced?	Yes
Weather Conditions:	Sunny
Water Division Permit Detail	
Water Division Permit Number:	IU305700001
Permit Effective Date:	2015-07-01
Permit Expiration Date:	2020-06-30
Permittee Organization:	Invictus Energy, Inc.
Organization Mailing Address Line 1:	365 River Valley Road
Organization Mailing Address Line 2:	
Organization Mailing Address City:	Atlanta
Organization Mailing Address State:	GA
Organization Mailing Address Postal Code:	30328
Site Detail	
Site ID + Version:	46274.1
Site Name:	Russell County Facility
Facility Ownership Type:	Private
Activity Description: Categorical	
Physical Location Address Line 1:	265 Terminal Road
Physical Location Address Line 2:	
Physical Location City:	Fort Mitchell
Physical Location State:	AL
Physical Location Postal Code:	36856
Physical Location County:	Russell
Physical Location Description:	
Entrance Latitude:	32.233611
Entrance Longitude:	-84.960556
Permit Contacts (1)	
Affiliation Type(s):	Responsible Official
First Name:	Alex
Last Name:	Sellers
Organization:	
Position Title:	CEO
Phone:	6784772778
Email Address:	
Mailing Address Line 1:	365 River Valley Road
Mailing Address Line 2:	
Mailing Address City:	Atlanta
Mailing Address State:	GA
Mailing Address Postal Code:	30328
Site Contacts (1)	
Affiliation Type(s):	Inspection Contact

Russell County Facility : 46274.1
NPDES Common Inspection Form

Site Contacts (1)	
First Name:	David
Last Name:	Chunn
Position Title:	Site Supervisor
Phone:	2056162436
Email:	david@ERSnow.com
Inspection Summary	
Inspection Begin Date:	05/11/2017
Inspection Begin Time:	10:50 AM
Inspection End Date:	05/11/2017
Inspection End Time:	11:35 AM
<p>Summary Comments:</p> <p>Inspector Stephen Dixon contacted Alex Sellers, the responsible official, by voice mail and then by text on Friday, May 5, 2017 to schedule the inspection for the following week. The facility property has been vacant on previous inspections so notification is necessary for access. Mr. Sellers lives in Georgia and indicated that Mr. David Chunn would be available for the inspection the next week. On Monday, May 8, 2017, Mr. Sellers texted Mr. Dixon to inform him that Mr. Chunn had a death in the family and was out of town but would be contacting him today to schedule the inspection. Later that day, Mr. Dixon received a text from Mr. Chunn. He said he would be available on Thursday for the inspection. When Mr. Dixon asked if they could schedule it on Wednesday, Mr. Chunn responded that he only has people there periodically doing site prep and that he could do it on Thursday at any time. When the inspectors arrived for the scheduled inspection it was apparent a large release of waste oil or waste product has occurred at the facility. Oil is standing in pools and soaked into the ground around the storage tanks and down gradient from the tanks. A retention ditch present during ADEM's last inspection has been filled in. A pool of waste oil is sitting on the surface of this filled area. Recent movement of dirt was observed during the inspection and breaches were noted in the secondary containment structure. See attached power point for pictures.</p>	
Field Operations Division Office:	Montgomery
Inspector:	Stephen Dixon
Phone Number of Inspector:	3342602706
<p>Signature of Inspector:</p> 	
Signature Date:	05/15/2017
Reviewing Supervisor:	Gina Curvin
Phone Number of Reviewing Supervisor:	3342602783
<p>Signature of Reviewing Supervisor:</p> 	
Signature Date:	05/17/2017

Russell County Facility : 46274.1

NPDES State Indirect Discharge (SID) Checklist Form

Records Review Checklist			
1. Was an onsite records review conducted at the time of inspection?	Yes, all records were available for review.		
2. Are the standard documents, records, and reports listed below maintained as required by the Permit and retained for at least 3 years?			
2.01. Complete Permit Application?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
2.02. Past (signed) Inspection Reports?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
2.03. (C)BMPP ((Construction) Best Management Practices Plan)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
2.04. SPCC (Spill Prevention, Control, and Countermeasure) Plan?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> NA
2.05. Discharge Monitoring Reports (DMRs)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
2.06. Sampling Records (date, time, location, and individual collecting sample)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
2.07. Sample Result Records (analyses date, time, analytical methods, analyst, and results)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
2.08. Equipment calibration and maintenance records?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
3. Are the additional documents, records, and reports listed below maintained as required by the Permit and retained for at least 3 years?			
3.01. BMP (Best Management Practices) Inspections?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> NA
3.02. Total Toxic Organics (TTO) Plan?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
3.03. Slug Control Plan?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
3.04. Other reports required by the Permit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
Permit Verification Checklist			
1. Was a valid Permit maintained at site and available for review?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
2. Were all discharges permitted?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
3. Was the correct name, mailing address, and/or physical address listed in the Permit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
4. Was the facility as described in the Permit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
5. Were the number and location(s) of discharge point(s) (including stormwater) as described in the Permit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
6. Were the number and location(s) of monitoring point(s) as described in the Permit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
7. Were the correct name and location of receiving waters listed in the Permit?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
Operations & Maintenance Checklist			
1. Equipment			
1.01. Are all necessary treatment units in service?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
1.02. Does the facility properly calibrate and maintain equipment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
1.03. Is there adequate containment for products/byproducts and waste materials?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> NA
2. Processes/Practices			
2.01. Are BMP measures adequate?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> NA
6. Sludge			
6.01. Are sludges and solids disposed of adequately?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
8. Process Water Sources			
8.01. Well?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
8.02. Industrial?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> NA
8.03. City?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
8.04. Surface Water?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA
9. Process Water Quantities			
9.01. Influent Estimate (MGD):	0		
9.02. Effluent Estimate (MGD):	0		

Russell County Facility : 46274.1
NPDES State Indirect Discharge (SID) Checklist Form

Discharge Checklist (1)			
Parameter	Units	Allowed	Actual
Sampling & Flow Checklist			
1. Sampling			
1.01. Are sampling locations adequate?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.02. Do sampling types agree with permit?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.03. Do sampling frequencies agree with Permit?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.04. Is sampling equipment properly installed and maintained?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.05. Are samples kept at proper temperature during and after sampling?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.06. Do preservation techniques agree with EPA guidance (40 CFR 136)?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.07. Do sample holding times agree with EPA guidance?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.08. Are Standard Methods/EPA approved analytical methods used?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.09.a. Are monitoring and analyses performed more frequently than required?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.09.b. Are results of monitoring and analysis performed more frequently than required reported on DMRs?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.10. Is a commercial lab used for reported analysis?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
1.10.a. Commercial Lab Name:		N.A.	
1.10.b. Commercial Lab Address:		NA	
1.10.c. Commercial Lab Phone:		NA	
1.10.d. Parameters:		NA	
2. Flow Measurement			
2.01. Describe the device used for flow measurement:		No flow device was present. Flow calculated as per permit.	
2.02. Do device(s) comply with Permit?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
2.03. Are device(s) adequately installed?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
2.04. Are device(s) properly maintained and operated?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
2.05. If totalized, is calibration frequency adequate?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
Bypass/Slug Discharge Checklist			
1. Has a bypass occurred at the facility since last ADEM inspection?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
2. What is the reason for the discharge?		A leak in one of the storage tanks has discharged an unknown amount of waste oil to the ground at the facility.	
3. Have repairs or upgrades been made to eliminate further bypasses?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
4. How many times per year do bypasses occur?		1	

Russell County Facility : 46274.1

Additional Information

Records Review Checklist

2.03. (C)BMPP ((Construction) Best Management Practices Plan)?

Facility has a BMP that is dated May 13, 2012. The plan should be updated every 5 years. As of the date of the inspection, the facility has 2 days before the plan is due for an update.

2.04. SPCC (Spill Prevention, Control, and Countermeasure) Plan?

Facility has an SPCC dated December 12, 2011. This plan is past due for an update. No Professional Engineer signature or stamp is present within the plan. A draft PE page is present with no signature or stamp.

2.05. Discharge Monitoring Reports (DMRs)?

The facility contact, David Chunn, indicated that no SID discharge has occurred from the facility. DMR's are being submitted with "no discharge". According to Mr. Chunn, the facility plans to treat all waste on site and produce no wastewater discharge.

2.06. Sampling Records (date, time, location, and individual collecting sample)?

No samples are being collected.

Permit Verification Checklist

5. Were the number and location(s) of discharge point(s) (including stormwater) as described in the Permit?

No discharge noted at the time of the inspection. Permit lists "tanker truck discharge hose" as the discharge point.

6. Were the number and location(s) of monitoring point(s) as described in the Permit?

Monitoring point listed as "tanker truck discharge hose" in the facility's SID permit.

Operations & Maintenance Checklist

1.01. Are all necessary treatment units in service?

No visible treatment activity was taking place. No means of treatment was noted or presented to ADEM.

1.03. Is there adequate containment for products/byproducts and waste materials?

Waste oil from the storage tank area has flowed down from the tanks and into the area of an unlined retention ditch. The ditch was partially full of water during ADEM's previous inspection. The ditch is now filled in with Dirt. A standing pool of waste oil is on the surface of the dirt filling in the ditch. Oil can be seen soaking into and through the dirt.

8.02. Industrial?

Mr. Chunn estimated that the tanks on site were currently filled to 2/3 capacity.

Bypass/Slug Discharge Checklist

3. Have repairs or upgrades been made to eliminate further bypasses?

Oil is currently sitting on the surface of the ground at the facility. The area where a retention ditch existed during ADEM's previous inspection has been filled in with a pool of oil on its surface. Oil can be seen soaking into and through the dirt. The containment area around the storage tanks is not complete and cannot contain spills from the storage tanks.

Invictus Energy

11 May 2017

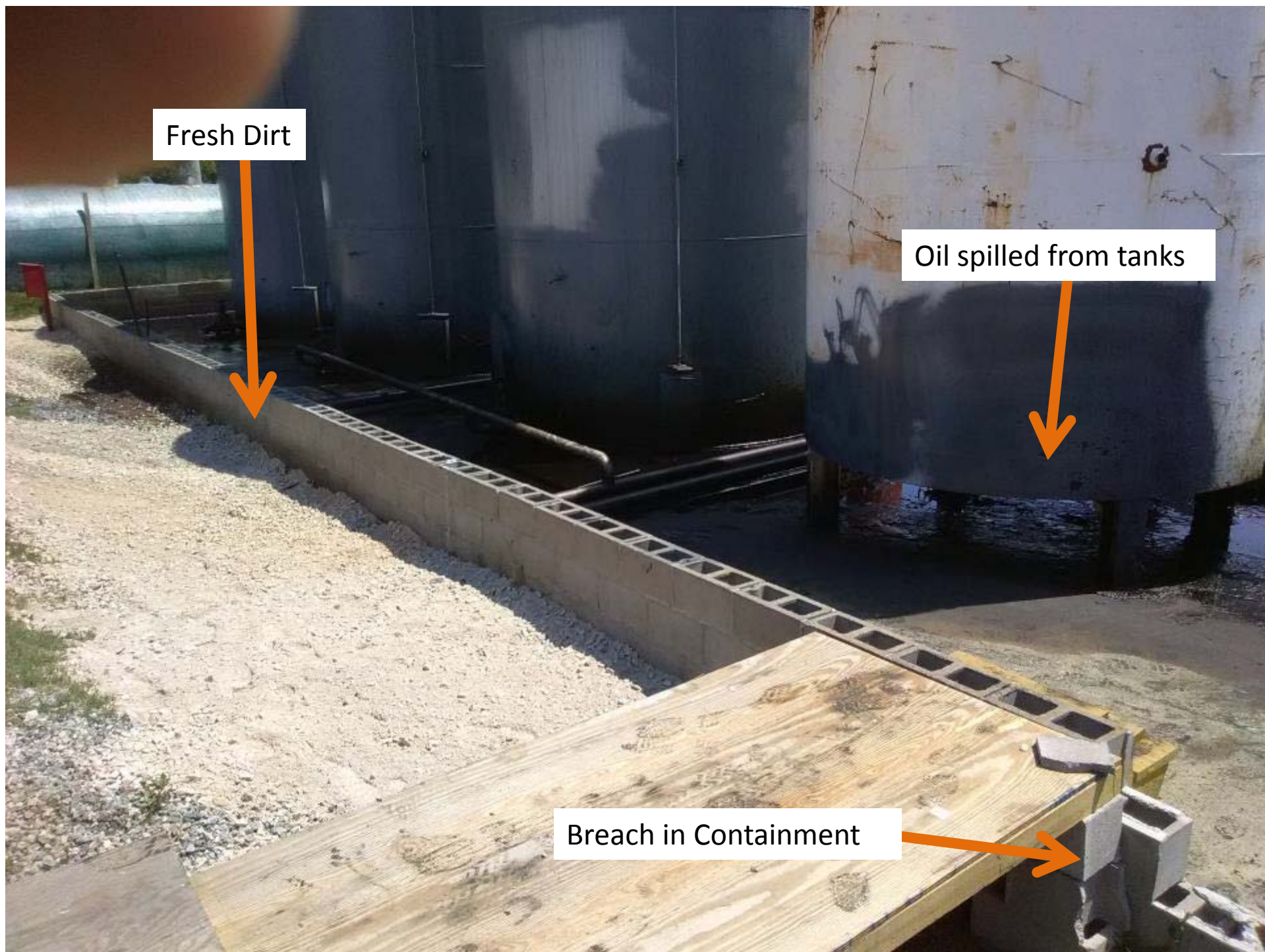
Stephen Dixon

Phil Skaggs

Front Gate: Invictus



Up Stream



Fresh Dirt

Oil spilled from tanks

Breach in Containment



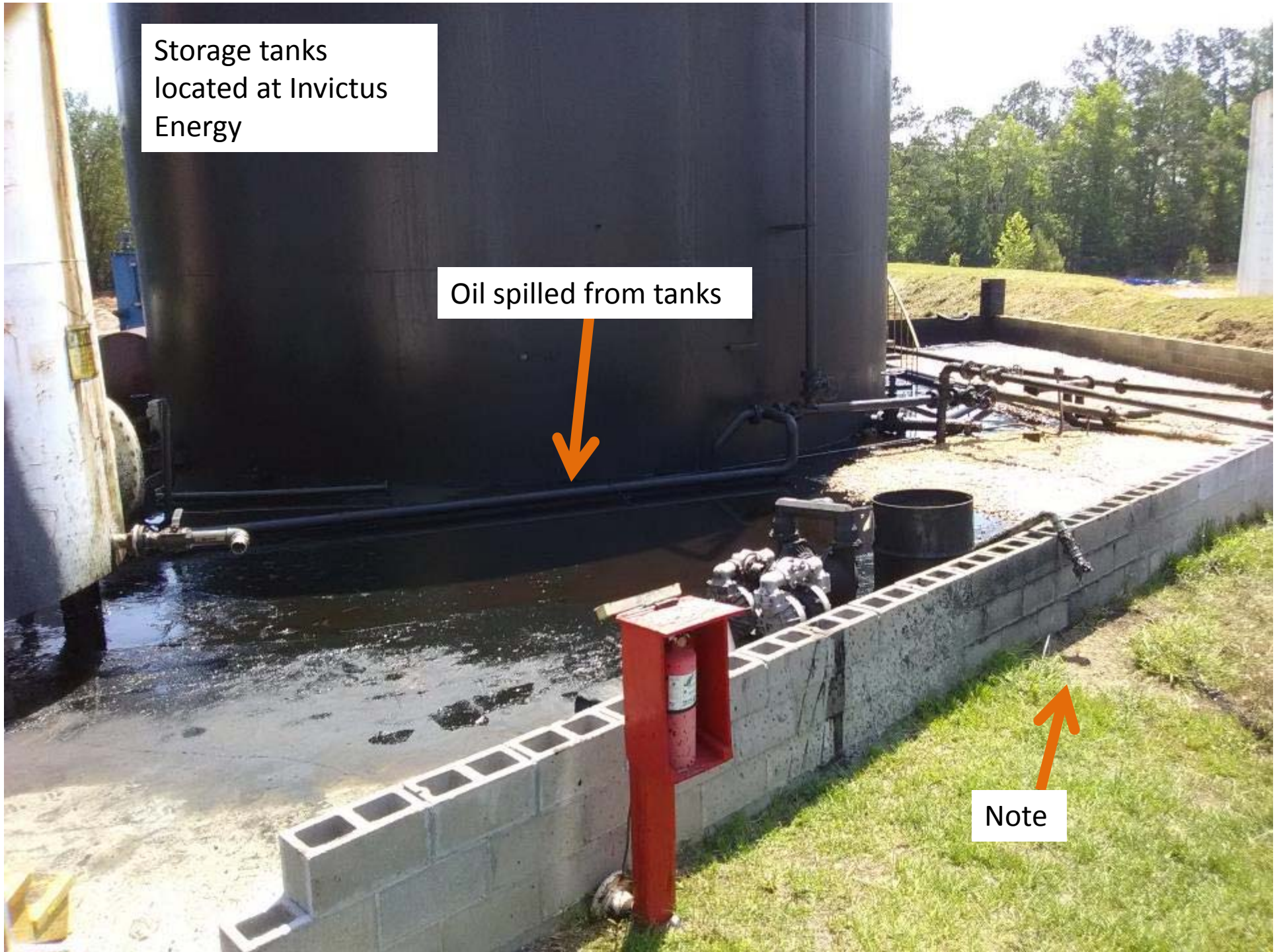
Oil spilled from tanks

Breach in Containment

Storage tanks
located at Invictus
Energy

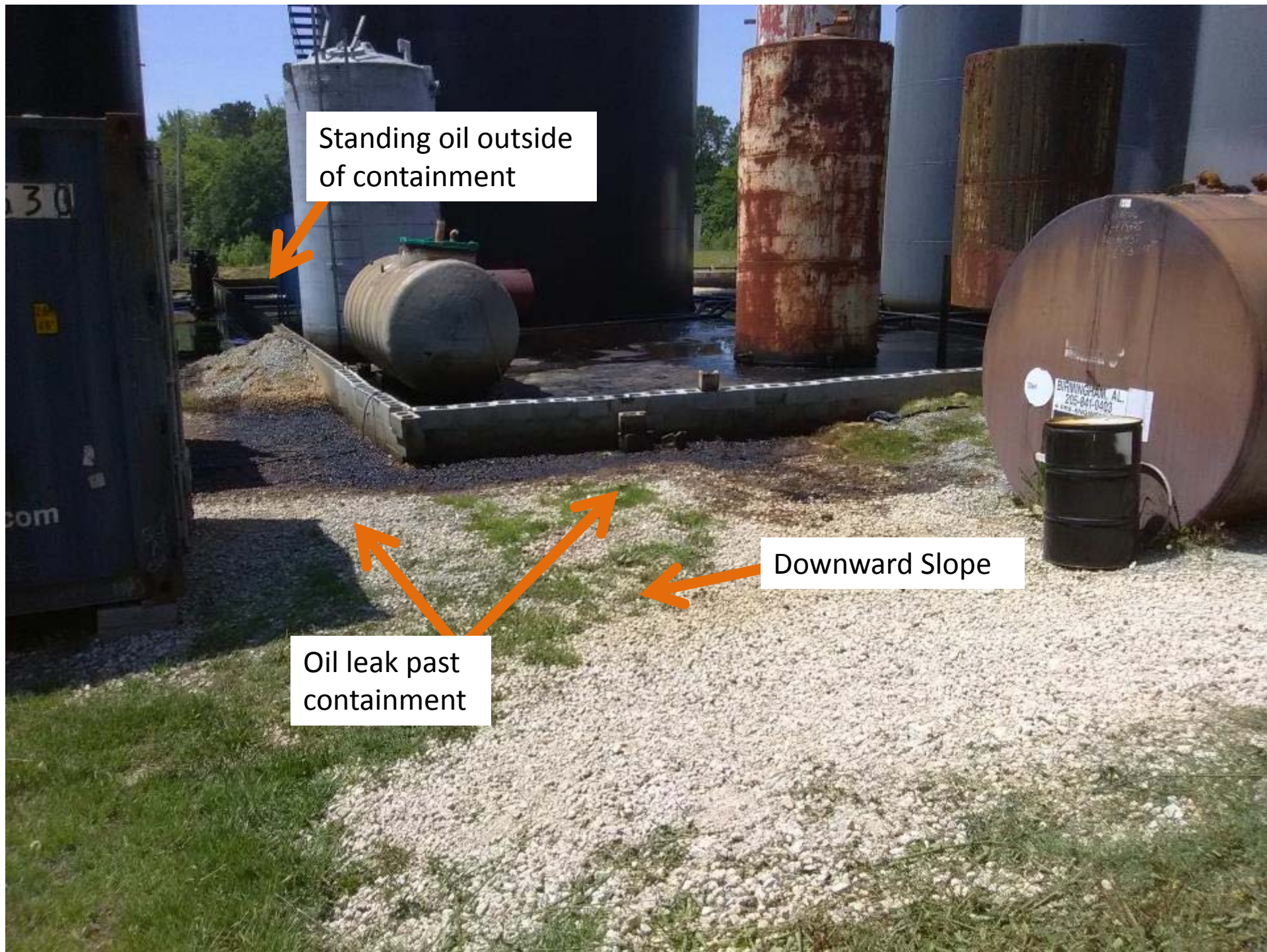
Oil spilled from tanks

Note



Storage tanks
located at Invictus
Energy






Standing oil outside of containment

Downward Slope

Oil leak past containment

Oil soaked ground with
standing pools of oil



A photograph showing two large, horizontal, grey cylindrical storage tanks on a gravel surface. The ground in the foreground is heavily contaminated with a dark, viscous liquid, likely oil, which has pooled and soaked into the gravel. The tanks have green valves on top and some small labels. A white text box is overlaid on the image, containing the text "Oil soaked ground with standing pools of oil".

Oil soaked ground with
standing pools of oil

Oil soaked ground with
standing pools of oil



Oil soaked ground with standing pools of oil. This area was a large retention basin during the last ADEM inspection.

Note: recently moved dirt



Note: recently
moved dirt

Oil soaked ground with
standing pools of oil. This
area was a large retention
basin during the last
ADEM inspection.



Note: End of
Containment
berm

Note: recently
moved dirt


Oil soaked ground with
standing pools of oil. This
area was a large retention
basin during the last
ADEM inspection.



Note: recently
moved dirt

Oil soaked ground with
standing pools of oil. This
area was a large retention
basin during the last
ADEM inspection.





Note: recently
moved dirt

Oil soaked ground with
standing pools of oil. This
area was a large retention
basin during the last
ADEM inspection.



Note: End of
Containment
berm

Note: recently
moved dirt

Tarp laid into ditch

Note: oil level line



Note: oil level line











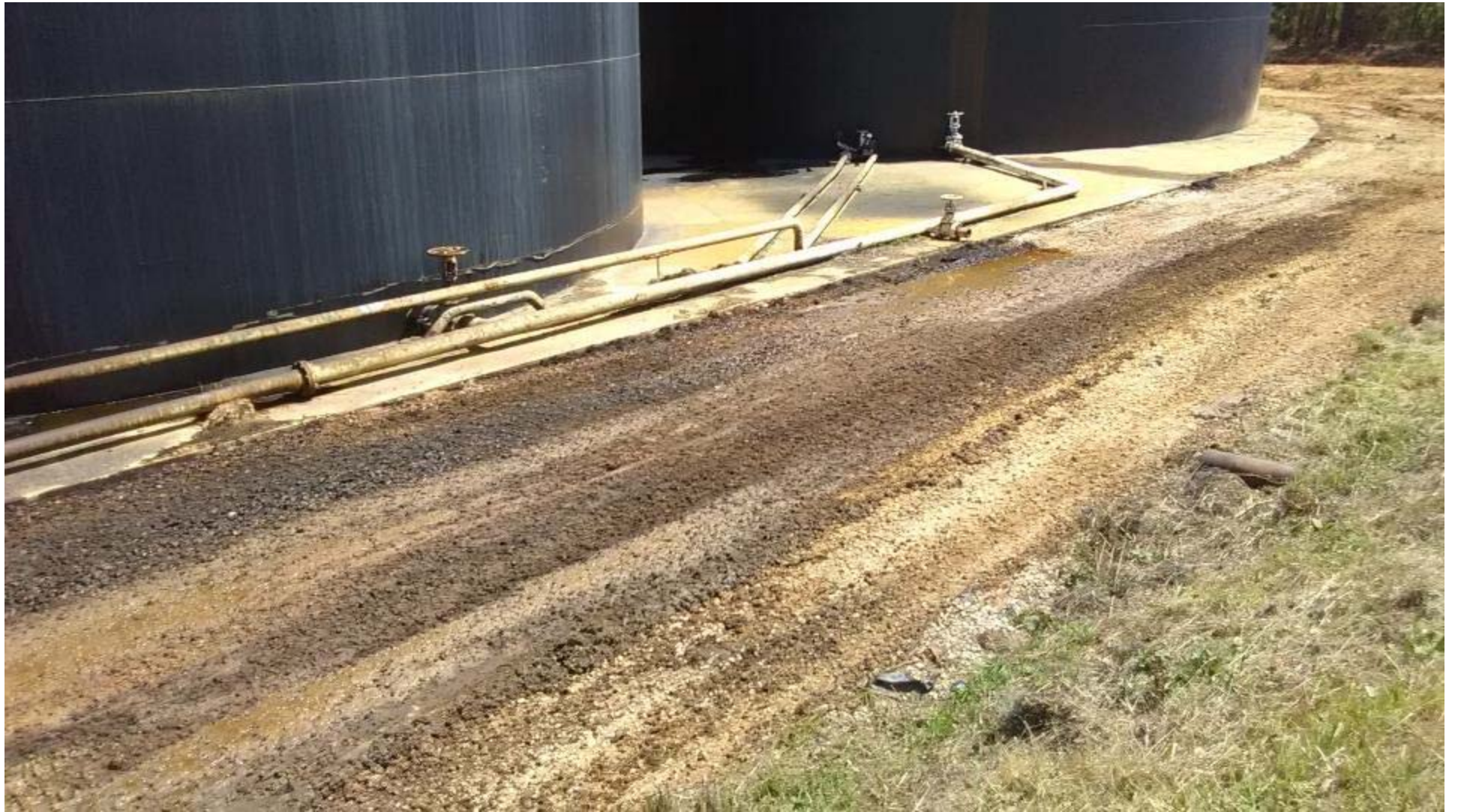






Standing oil inside and
outside of containment area











Note: Fresh Dirt



Note: Fresh Dirt

Standing oil



































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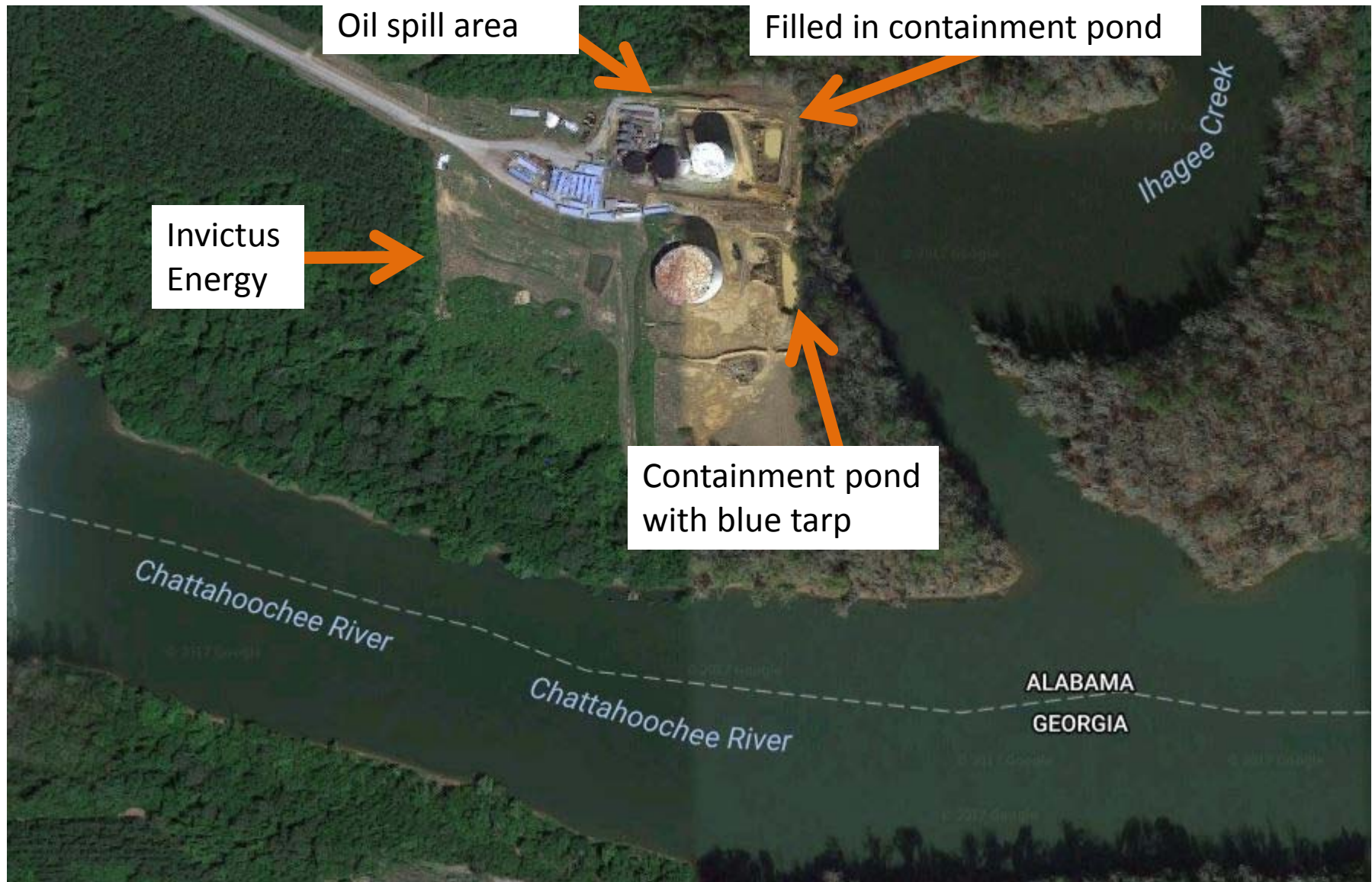


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Image copied from Google Maps:
Date of capture unknown



Filled in containment
pond with standing
oil

Containment pond
with blue tarp

ADMINISTRATIVE ORDER CERTIFICATE OF SERVICE

I, Glenda L. Dean, do hereby certify that I have served the executed Administrative Order Number 17-091-EWP upon the person listed below by sending the same, postage paid, through the United States Mail, Certified Mail Receipt # 91-7108-2133-3936-7153-1267, with instructions to forward and return receipt to:

Alex Sellers, CEO
Invictus Energy, Inc.
3075 Johnquil Drive, Unit A
Smyrna, GA 30080

Done this 18th day of May, 2017.

GLENN L. DEAN

Glenda L. Dean, Chief
Water Division
Alabama Department of Environmental Management